

### ***REMARKS***

Claims 1-12, 14-20, 22-26, 35-38, and 44-47 are pending in the present application. Claims 1, 16 and 44 are independent.

### **CLAIM OBJECTION**

Claim 4 was objected to due to a minor informality. The correction to claim 4 was made as the Examiner suggested. Accordingly, this objection should be withdrawn.

### **DISCLOSURE OBJECTION**

The specification has been objected to under 35 U.S.C. § 132(a) as allegedly introducing new matter to the disclosure. Applicants respectfully traverse.

Regarding Applicants' proposed insertion of "by the Insertion Engine 820 of the Liaison unit 104" (to the paragraph at lines 9-15 of page 24 in the original specification), this insertion is fully supported by the original disclosure. For instance, the original specification at lines 9-11, page 24 states "[t]he PC can have an Ethernet adapter for the Liaison unit 104 to communicate with Content Provider units 102.... The Ethernet adapter can also be used to send content to certain types of Mixing Units 108..." (emphasis added). Original Fig. 8, depicting the liaison unit 104, clearly shows that the insertion engine 820 of the liaison unit 104 sends the content to the mixing unit (108). Hence, the original specification and Figure 8 fully support that the Ethernet adaptor can be used by the Insertion Engine 820 of the Liaison unit to send content from the Liaison unit to the Mixing Unit.

Regarding Applicants' proposed insertion of "The outputs of this operation can be stored in an Account Info Storage 812" (to page 25, lines 4-12 and 14-17 of the original specification),

and “The outputs of this operation can be stored in a Content Storage 816” (to the paragraph bridging pages 25 and 26 of the original specification), the support for such modifications is provided, e.g., in Fig. 8. Fig. 8 clearly shows that the outputs of the boxes 802, 804, and 806 are respectively sent to Account Info 812, Catalog Store 814, and Content Store 816. Thus no new matter is added.

For the reasons stated above, the objection is improper and should be withdrawn.

### **35 U.S.C. § 103 REJECTION**

Claims 1-12, 14-20, 22-26, 35-38 and 44-47 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Mao et al. (U.S Patent No. 6,459,427) in view of Eldering et al. (U.S Patent No. 6,820,277). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

Regarding independent claims 1, 16 and 44 , the Examiner alleges on page 2, line 16 – page 3, line 4 of the final Office Action that Eldering et al.’s advertisement parameters input to the AMS (Ad Management System) 100 by the advertisers can be equated to Applicants’ claimed ‘insertion schedule’ provided by a content provider unit, because Eldering et al.’s AMS 100 uses the ad parameters to insert the ads into ad avails (slots). Applicants respectfully disagree at least for the following reasons.

Firstly, the Examiner states that col. 2, lines 30-39, col. 5, lines 30-48, col. 6, lines 18-40, and col. 8, lines 35-43 of Eldering et al. teach the ad parameters to include ‘broadcast time of the advertisement’. Applicants have carefully examined Eldering et al. including those portions cited by the Examiner, and cannot find such disclosure. In Eldering et al., the advertisers provide ad parameters, and then the AMS 100 (not the advertisers) considers the ad parameters in

determining how the available ads may fit into available ad avails. Generally the ad parameters in Eldering et al. relate to the demographics of the target audience for the advertisement. Eldering et al. nowhere teaches or suggests that the ad parameters provided by the advertisers include or can include 'the broadcast time of the advertisement'. Thus, Eldering et al.'s ad parameters are not and cannot be equated to Applicants' 'insertion schedule' as claimed.

Secondly, Eldering et al. discloses at col. 8, lines 12-14 that "The avail sales/auctioning module 112 also calculates the placement of the advertisements based on the degree of correlation and a pricing scheme...." The "placement" of an advertisement is well known in the art of advertising industry, as the specific time at which the specific advertisement will run, i.e., the ad schedule. That is, in Eldering et al., the actual placement of the advertisements (e.g., insertion schedule) is determined and provided by the AMS 100, and not by the advertisers themselves. The advertisers only provide some parameter values that are input to the complicated ad placement algorithms used by the AMS 100 of Eldering et al.

On the contrary, in Applicants' invention, the content provider alone provides the insertion schedule according to which the content is to be inserted, thereby simplifying the content management aspect of the invention. Also, Applicants' invention provides freedom and flexibility to the content provider to provide their most preferred insertion schedule for the content, so that the content of the content provider can be inserted in the exact manner desired by the content provider.

Thirdly, in Eldering et al., the placement of an advertisement is not determined only by the parameters submitted by the advertiser for that advertisement. In fact, in Eldering et al., an advertisement that is submitted by an advertiser may end up not being placed at all. The correlation module 110 of the AMS 100 in Eldering et al. computes a correlation between each

advertisement and each ad avail based on the demographic parameters (e.g., see col. 7, lines 40-54). Then the avail sales/auctioning module 112 determines for each advertisement all the ad avails it is eligible for by matching the time duration and bandwidth characteristics (e.g., col 7. line 67 - col. 8, line 3), and then for each avail, may rank the advertisements eligible for that avail by the correlation values (col. 8, lines 23-30) and select the top ranked advertisement for placement. An advertisement that is submitted by an advertiser may end up ranked below the top for all the ad avails, and therefore may not be placed at all. In Eldering et al, multiple entities participate in the ad scheduling by providing various information. The system of Eldering et al. clearly differs from Applicants' invention where the content provider has sole discretion to select what content is sent and when it is sent by providing the insertion schedule as claimed.

In view of the above reasons, Eldering et al.'s ad parameters are not equal to Applicants' insertion schedule, and thus Eldering et al. clearly does not teach or suggest the 'insertion schedule' provided by the content provider, as recited in independent claim 1, and similarly recited in other independent claims 16 and 44. Thus, even if Mao et al. were modified in view of Eldering et al., assuming *arguendo*, the combination of references would still not teach or suggest at least the above noted feature as recited in independent claims 1, 16 and 44.

Accordingly, independent claims 1, 16 and 44, and their dependent claims (due to the dependency) are patentable over the applied references, and the rejection is improper and should be withdrawn.

### ***CONCLUSION***

For the foregoing reasons and in view of the above clarifying amendments, Applicants respectfully request the Examiner to reconsider and withdraw all of the objections and rejections of record, and earnestly solicits an early issuance of a Notice of Allowance.

The Examiner is respectfully requested to enter this Reply After Final, in that it raises no new issues but merely places the claims in a form more clearly patentable over the references of record. In the alternative, the Examiner is respectfully requested to enter this Reply After Final in that it reduces the issues for appeal.

Should there be any outstanding matters which need to be resolved in the present application, the Examiner is respectfully requested to contact Esther H. Chong (Registration No. 40,953) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Dated: June 22, 2006

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Esther H. Chong  
Esther H. Chong  
Registration No. 40,953  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant